

AMENDED IN ASSEMBLY MAY 1, 1997
AMENDED IN ASSEMBLY APRIL 2, 1997
AMENDED IN ASSEMBLY MARCH 13, 1997
AMENDED IN ASSEMBLY MARCH 4, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 99

Introduced by Assembly Member Runner

January 8, 1997

An act to amend, repeal, and add Section 19.8 of, and to add ~~Section 652 to~~ *and repeal Section 652 of*, the Penal Code, relating to body piercing.

LEGISLATIVE COUNSEL'S DIGEST

AB 99, as amended, Runner. Body piercing.

Existing law makes it a misdemeanor to tattoo or offer to tattoo a person under the age of 18 years.

This bill would make it an infraction, until January 1, 2005, for any person to perform or offer to perform body piercing, as defined, upon a person under the age of 18 years, unless performed in the presence of, or as directed by a notarized writing by, that person's parent or guardian. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated

by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would become operative only if AB 186 is also enacted and becomes effective on or before January 1, 1998.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19.8 of the Penal Code is
2 amended to read:

3 19.8. The following offenses are subject to subdivision
4 (d) of Section 17: Sections 193.8, 330, 415, 485, 555, 652, and
5 853.7, of this code; subdivision (m) of Section 602 of this
6 code; subdivision (b) of Section 25658 and Sections 21672,
7 25658.5, 25661, and 25662 of the Business and Professions
8 Code; subdivision (c) of Section 23109 and Sections 12500,
9 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code, and
10 any other offense which the Legislature makes subject to
11 subdivision (d) of Section 17. Except where a lesser
12 maximum fine is expressly provided for violation of any
13 of those sections, any violation which is an infraction is
14 punishable by a fine not exceeding two hundred fifty
15 dollars (\$250).

16 Except for the violations enumerated in subdivision
17 (d) of Section 13202.5 of the Vehicle Code, and Section
18 14601.1 of the Vehicle Code based upon failure to appear,
19 a conviction for any offense made an infraction under
20 subdivision (d) of Section 17 is not grounds for the
21 suspension, revocation, or denial of any license, or for the
22 revocation of probation or parole of the person convicted.

23 This section shall remain in effect only until January 1,
24 2005, and as of that date is repealed, unless a later enacted
25 statute, that is enacted before January 1, 2005, deletes or
26 extends that date.

27 SEC. 2. Section 19.8 is added to the Penal Code, to
28 read:

1 19.8. The following offenses are subject to subdivision
 2 (d) of Section 17: Sections 193.8, 330, 415, 485, 555, and
 3 853.7, of this code; subdivision (m) of Section 602 of this
 4 code; subdivision (b) of Section 25658 and Sections 21672,
 5 25658.5, 25661, and 25662 of the Business and Professions
 6 Code; subdivision (c) of Section 23109 and Sections 12500,
 7 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code, and
 8 any other offense which the Legislature makes subject to
 9 subdivision (d) of Section 17. Except where a lesser
 10 maximum fine is expressly provided for violation of any
 11 of those sections, any violation which is an infraction is
 12 punishable by a fine not exceeding two hundred fifty
 13 dollars (\$250).

14 Except for the violations enumerated in subdivision
 15 (d) of Section 13202.5 of the Vehicle Code, and Section
 16 14601.1 of the Vehicle Code based upon failure to appear,
 17 a conviction for any offense made an infraction under
 18 subdivision (d) of Section 17 is not grounds for the
 19 suspension, revocation, or denial of any license, or for the
 20 revocation of probation or parole of the person convicted.

21 This section shall become operative on January 1, 2005.

22 SEC. 3. Section 652 is added to the Penal Code, to
 23 read:

24 652. (a) It shall be an infraction for any person to
 25 perform or offer to perform body piercing upon a person
 26 under the age of 18 years, unless the body piercing is
 27 performed in the presence of, or as directed by a
 28 notarized writing by, the person's parent or guardian.

29 (b) This section does not apply to the body piercing of
 30 an emancipated minor.

31 (c) As used in this section, "body piercing" means the
 32 creation of an opening in the body of a human being for
 33 the purpose of inserting jewelry or other decoration. This
 34 includes, but is not limited to, piercing of a lip, tongue,
 35 nose, or eyebrow. "Body piercing" does not include the
 36 piercing of an ear.

37 (d) Neither the minor upon whom the body piercing
 38 was performed, nor the parent or guardian of that minor,
 39 nor any other minor is liable for punishment under this
 40 section.

1 (e) This section shall remain in effect only until
2 January 1, 2005, and as of that date is repealed, unless a
3 later enacted statute, that is enacted before January 1,
4 2005, deletes or extends that date.

5 SEC. 4. No reimbursement is required by this act
6 pursuant to Section 6 of Article XIII B of the California
7 Constitution because the only costs that may be incurred
8 by a local agency or school district will be incurred
9 because this act creates a new crime or infraction,
10 eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition
13 of a crime within the meaning of Section 6 of Article
14 XIII B of the California Constitution.

15 Notwithstanding Section 17580 of the Government
16 Code, unless otherwise specified, the provisions of this act
17 shall become operative on the same date that the act
18 takes effect pursuant to the California Constitution.

19 *SEC. 5. This act shall become operative only if*
20 *Assembly Bill 186 is also enacted and becomes effective*
21 *on or before January 1, 1998.*

